

SECOND REGULAR SESSION

# HOUSE BILL NO. 1996

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CORNEJO.

4272H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 479.190, RSMo, and to enact in lieu thereof one new section relating to municipal courts.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 479.190, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 479.190, to read as follows:

479.190. 1. Any judge hearing violations of municipal ordinances may, when in his **or her** judgment it may seem advisable, grant [a] parole or probation to any person who [shall plead guilty or who shall be convicted] **is found guilty** after a trial before such judge. When a person is placed on probation, he **or she** shall be given a certificate explicitly stating the conditions on which he **or she** is being released.

2. In addition to such other authority as exists to order conditions of probation, the court may order conditions which the court believes will serve to compensate the victim of the [crime] **offense**, any dependent of the victim, or society in general. Such conditions may include, but need not be limited to:

(1) Restitution to the victim or any dependent of the victim, in an amount to be determined by the judge; and

(2) The performance of a designated amount of free work for a public or charitable purpose, or purposes, as determined by the judge.

3. A person may refuse probation conditioned on the performance of free work. If he **or she** does so, the court shall decide the extent or duration of sentence or other disposition to be imposed and render judgment accordingly. Any county, city, person, organization, or agency, or employee of a county, city, organization or agency charged with the supervision of such free

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 work or who benefits from its performance shall be immune from any suit by the person placed  
19 on parole or probation or any person deriving a cause of action from him **or her** if such cause  
20 of action arises from such supervision of performance, except for intentional torts or gross  
21 negligence. The services performed by the probationer or parolee shall not be deemed  
22 employment within the meaning of the provisions of chapter 288.

23 4. The court may modify or enlarge the conditions of probation at any time prior to the  
24 expiration or termination of the probation term.

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